

COUNTY OF YORK

MEMORANDUM

DATE: July 22, 2003 (BOS Mtg. 8/5/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZT-77-03, York County Planning Commission: Miscellaneous Amendments per 2003 General Assembly Actions

Issue

By action of the 2003 General Assembly, several sections of the Code of Virginia dealing with zoning were amended and will necessitate “housekeeping” changes in the York County Zoning Ordinance. The Planning Commission sponsored this application to allow these proposed amendments to be formally considered. The proposed amendments are summarized in the following paragraphs:

- Section 15.2-2307 of the Code of Virginia was amended again this year to revise the provisions dealing with replacement of nonconforming manufactured homes. As the Board may recall, this same section was amended last year to require that localities allow the replacement of nonconforming manufactured homes with comparable units constructed to HUD standards, and Sections 24.1-801 and 802 of the Zoning Ordinance were amended accordingly. The changes to Section 15.2-2307 adopted this year are more specific as to the allowable replacements – indicating that existing nonconforming single-section manufactured homes in mobile home parks may be replaced with a single-section unit, and a multi-section home may replace a multi-section home. Further, nonconforming manufactured homes located outside a mobile home park may be replaced with either single- or multi-section units meeting HUD standards. Proposed language to incorporate these changes into Section 24.1-802 of the Zoning Ordinance is included in attached proposed Ordinance No. 03-31. Note that the language preventing any nonconforming unit spacing from being decreased is retained
- Section 15.2-2307 of the Code of Virginia was also amended to establish specific provisions relating to the removal of nonconforming signs that have been abandoned. The amendments specify that a locality may order the removal of an abandoned nonconforming sign, provided that the business for which it was erected has not been in operation for at least two years. Section 24.1-709 of the Zoning Ordinance, which currently sets *abandonment* at 180 days, will need to be amended to conform with this addition to the State Code since the County cannot be more restrictive than authorized by the Code. Language to incorporate this change into Section 24.1-709 of the Zoning Ordinance is included in attached proposed Ordinance No. 03-31.
- Section 15.2-2209 of the Code of Virginia was amended to increase the maximum

allowable individual and cumulative amounts for civil penalties for violations of the Zoning Ordinance to \$250 and \$5,000, respectively. Section 24.1-109 of the Zoning Ordinance sets the maximum amounts at the previously authorized limits of \$150 and \$3,000. Civil penalties represent an effective tool in the County's efforts to enforce the provisions of the Zoning Ordinance and the increased amounts for violations should provide additional incentive for compliance with the specific ordinance provisions listed in Section 24.1-109(c)(3)b. Language to incorporate this change into Section 24.1-109 of the Zoning Ordinance is included in attached proposed Ordinance No. 03-31. Increasing the limits on the civil penalty amounts is not mandatory. However, as noted above, staff believes that the increased amounts could help to serve as an additional deterrent for ordinance violations.

Planning Commission Recommendation

The Planning Commission considered this application at its meeting on July 9, 2003 and, subsequent to conducting a public hearing at which there were no speakers, voted 7:0 to recommend approval.

County Administrator's Recommendation

The changes relating to nonconforming manufactured homes and nonconforming abandoned signs are mandatory and must be incorporated into the Zoning Ordinance to ensure consistency with the terms of the Code of Virginia. The changes pertaining to civil penalty limits are not required and the Board could retain the maximum limits currently specified in the Zoning Ordinance. However, I believe that the increased limits could help to provide stronger disincentives for zoning violations, thus assisting in the County's code enforcement efforts. Accordingly, along with the Planning Commission, I recommend adoption of proposed Ordinance No. 03-31.

Carter/3337:jmc

Attachments

- Proposed Ordinance No. 03-31